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PUBLIC LAW 97-89—DEC. 4, 1981

INTELLIGENCE AUTHORIZATION ACT
FOR FISCAL YEAR 1982

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Public Law 97-89
97th Congress

An Act

Dec. 4, 1981
[H.R. 3454]

To authorize appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Intelligence
Authorization
Act for Fiscal
Year 1982.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1982".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

Sec. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the conduct of the intelligence and intelligence-related activities of the following agencies of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

Sec. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1982, for the conduct of the intelligence and intelligence-related activities of the agencies listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 3454 of the Ninety-seventh Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

Availability to
congressional
committees and
President.
Distribution.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF
PROGRAM AUTHORIZATIONS

Sec. 103. During fiscal year 1982, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such

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activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity.

**AUTHORIZATION OF APPROPRIATIONS FOR COUNTER-TERRORISM
ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION**

SEC. 104. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1982 the sum of \$11,900,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II—INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1982 the sum of \$13,600,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and twenty full-time personnel as of September 30, 1982. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1982, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1982, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

Personnel detail.

**INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS
CENTRAL INTELLIGENCE AGENCY**

SEC. 203. During fiscal year 1982, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-4031) in the same manner as activities and personnel of the Central Intelligence Agency.

50 USC
403a-4031.

**TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM**

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1982 the sum of \$84,600,000.

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**TITLE IV—SUPPLEMENTAL AUTHORIZATION FOR FISCAL
YEAR 1981**

AUTHORIZATION OF APPROPRIATIONS

Sec. 401. In addition to the funds authorized to be appropriated under title I of the Intelligence Authorization Act for Fiscal Year 1981 (Public Law 96-450; 94 Stat. 1975), funds are hereby authorized to be appropriated for fiscal year 1981 for the conduct of the intelligence and intelligence-related activities of the United States Government. The amounts authorized to be appropriated under the preceding sentence are those specified for that purpose in the classified Schedule of Authorizations described in section 102.

**TITLE V—GENERAL PROVISIONS RELATING TO THE
CENTRAL INTELLIGENCE AGENCY**

**ALLOWANCES AND BENEFITS FOR CENTRAL INTELLIGENCE AGENCY
PERSONNEL**

Sec. 501. Section 4 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403e) is amended—

(1) by inserting "(a)" before "Under such regulations"; and

(2) by adding at the end thereof the following new subsection:

"(b)(1) The Director may pay to officers and employees of the Agency, and to persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces, allowances and benefits comparable to the allowances and benefits authorized to be paid to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law.

Payment terms.

"(2) The Director may pay allowances and benefits related to officially authorized travel, personnel and physical security activities, operational activities, and cover-related activities (whether or not such allowances and benefits are otherwise authorized under this section or any other provision of law) when payment of such allowances and benefits is necessary to meet the special requirements of work related to such activities. Payment of allowances and benefits under this paragraph shall be in accordance with regulations prescribed by the Director. Rates for allowances and benefits under this paragraph may not be set at rates in excess of those authorized by section 5724 and 5724a of title 5, United States Code, when reimbursement is provided for relocation attributable, in whole or in part, to relocation within the United States.

Rates.

"(3) Notwithstanding any other provision of this section or any other provision of law relating to the officially authorized travel of Government employees, the Director, in order to reflect Agency requirements not taken into account in the formulation of Government-wide travel procedures, may by regulation—

"(A) authorize the travel of officers and employees of the Agency, and of persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces who are engaged in the performance of intelligence functions, and

"(B) provide for payment for such travel, in classes of cases, as determined by the Director, in which such travel is important to the performance of intelligence functions.

"(4) Members of the Armed Forces may not receive benefits under both this section and title 37, United States Code, for the same

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purpose. The Director and Secretary of Defense shall prescribe joint regulations to carry out the preceding sentence.

"(5) Regulations issued pursuant to this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."

Regulations,
submittal to
congressional
committees.

AUTHORITY TO CARRY FIREARMS

Sec. 502. Subsection (d) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 408f(d)) is amended to read as follows:

"(d) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices; and".

UNAUTHORIZED USE OF CENTRAL INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL

Sec. 503. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME, INITIALS, OR SEAL

"Sec. 18. (a) No person may, except with the written permission of the Director, knowingly use the words 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

50 USC 403m.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

Civil proceeding.

INTELLIGENCE ADVISORY COMMITTEES

Sec. 504. (a) Subsection (a) of section 303 of the National Security Act of 1947 (50 U.S.C. 405) is amended by striking out "at a rate not to exceed \$50 for each day of service" in the last sentence and inserting in lieu thereof the following: "at a daily rate not to exceed the daily equivalent of the rate of pay in effect for grade GS-18 of the General Schedule established by section 5332 of title 5, United States Code".

5 USC 5332 note.

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(b) Subsection (b) of such section is amended by striking out "section 281, 283, or 284 of title 18" and inserting in lieu thereof "section 203, 205, or 207 of title 18".

TITLE VI--GENERAL PROVISIONS RELATED TO THE NATIONAL SECURITY AGENCY

ALLOWANCES AND BENEFITS FOR NATIONAL SECURITY AGENCY PERSONNEL

50 USC 402 note.

Sec. 601. (a) Subsection (b)(1) of section 9 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

"(1) allowances and benefits--

"(A) comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and

"(B) in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and".

(b) Such section is further amended by adding at the end thereof the following new subsections:

"(d) Members of the Armed Forces may not receive benefits under both subsection (b)(1) and title 37, United States Code, for the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

"(e) Regulations issued pursuant to subsection (b)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."

Regulations.

Submittal to
congressional
committees.

LANGUAGE TRAINING AND CRYPTOLOGIC LINGUIST RESERVE PROGRAMS

Sec. 602. The National Security Agency Act of 1959 is amended--

(1) by inserting after section 9 the following:

"Sec. 10. (a) The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director--

"(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

"(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

"(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

"(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

Regulations.
50 USC 402 note.

Special language
project
personnel.

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"(b)(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

5 USC 5531.

"(2) In order to provide linguistic training and support for cryptologic personnel, the Director—

"(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provisions of title 10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

5 USC 5701 et
seq., 5901 et seq.
37 USC 401 et
seq.

"(c)(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director may establish a cryptologic linguist reserve. The cryptologic linguist reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the cryptologic linguist reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

"(2) In order to attract individuals to become members of the cryptologic linguist reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

"(3) In order to provide training and support for members of the cryptologic linguist reserve, the Director—

"(A) may pay all or part of the tuition and other expenses related to the training of individuals in the cryptologic linguist reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the cryptologic linguist reserve who are assigned to training at sites away from their homes or regular places of business.

"(d)(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

"(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

"(B) in the case of individuals accepted for membership in the cryptologic linguist reserve, pertains to return to service when

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Waiver.

requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

"(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(e)(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

"(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

Waiver.

5 USC 4101 et seq.

"(f) The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

"(g) The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

Regulations.
submittal to
congressional
committees.

"(h) Regulations issued pursuant to this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."; and

(2) by striking out "Sec. 10." before "The Director" and inserting in lieu thereof "(i)".

SENIOR CRYPTOLOGIC EXECUTIVE SERVICE; CRYPTOLOGIC RESEARCH
GRANTS; CRYPTOLOGIC PROCUREMENT; MISUSE OF AGENCY NAME

Sec. 603. The National Security Agency Act of 1959 is amended by adding at the end thereof the following new sections:

Establishment.
50 USC 402 note.

"Sec. 12. (a)(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall—

"(A) meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

"(B) provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title;

Pay rates.
50 USC 402 note.

"(C) provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

5 USC 4311.

"(D) provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

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"(E) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense or his designee);

5 USC 3592.

"(F) permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title; and

Performance awards.

"(G) provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

Sabbatical leaves.

"(2) Except as otherwise provided in subsection (a), the Secretary of Defense (or his designee) may—

"(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

"(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

"(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

"(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member's expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

"(5) The Director of the National Security Agency shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on executive personnel in the National Security Agency. The report shall include—

Report to congressional committees.

"(A) the total number of positions added to or deleted from the Senior Cryptologic Executive Service during the preceding fiscal year;

"(B) the number of executive personnel (including all members of the Senior Cryptologic Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

"(C) the number, distribution, and amount of awards paid to members of the Senior Cryptologic Executive Service during the preceding fiscal year; and

"(D) the number of individuals removed from the Senior Cryptologic Executive Service during the preceding fiscal year for less than fully successful performance.

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Merit pay
system.

"(b) The Secretary of Defense (or his designee) may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense (or his designee) considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

5 USC 5312.

"(c) Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

Grants.
50 USC 402 note.

"SEC. 13. (a) The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this section may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

41 USC 505.

"(b) The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

"(c) The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

50 USC 402 note.

"SEC. 14. Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

50 USC 402 note.

"SEC. 15. (a) No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words 'National Security Agency', the initials 'NSA', the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

Civil proceeding.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

TITLE VII—DEFENSE INTELLIGENCE AGENCY PERSONNEL PROVISIONS

DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE; MERIT PAY SYSTEM

SEC. 701. (a)(1) Part II subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

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"Chapter 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL**"Sec.**

"1601. Defense Intelligence Senior Executive Service.
 "1602. Defense Intelligence Agency merit pay system.
 "1603. Limit on pay.

"§ 1601. Defense Intelligence Senior Executive Service

"(a) The Secretary of Defense may by regulation establish a personnel system for senior civilian personnel within the Defense Intelligence Agency to be known as the Defense Intelligence Senior Executive Service. The regulations establishing the Defense Intelligence Senior Executive Service shall—

Establishment.
 10 USC 1601.

"(1) meet the requirements set forth in section 3131 of title 5 for the Senior Executive Service;

"(2) provide that positions in the Defense Intelligence Senior Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of title 5;

"(3) provide rates of pay for the Defense Intelligence Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

"(4) provide a performance appraisal system for the Defense Intelligence Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;

5 USC 4311.

"(5) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense);

"(6) permit the payment of performance awards to members of the Defense Intelligence Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5; and

Performance
 awards.

"(7) provide that members of the Defense Intelligence Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5.

Sabbatical
 leaves.

"(b) Except as otherwise provided in subsection (a), the Secretary of Defense may—

"(1) make applicable to the Defense Intelligence Senior Executive Service any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and

5 USC 101.

"(2) appoint, promote, and assign individuals to positions established within the Defense Intelligence Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.

"(c) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Defense Intelligence Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.

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Personnel detail.

"(d) Notwithstanding any other provision of this section, the Secretary of Defense may detail or assign any member of the Defense Intelligence Senior Executive Service to serve in a position outside the Defense Intelligence Agency in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Defense Intelligence Senior Executive Service.

Report to congressional committees.

"(e) The Secretary of Defense shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on the executive personnel in the Defense Intelligence Agency. The report shall include--

"(1) the total number of positions added to or deleted from the Defense Intelligence Senior Executive Service during the preceding fiscal year;

"(2) the number of executive personnel (including all members of the Defense Intelligence Senior Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

"(3) the number, distribution, and amount of awards paid to members of the Defense Intelligence Senior Executive Service during the preceding fiscal year; and

"(4) the number of individuals removed from the Defense Intelligence Senior Executive Service during the preceding fiscal year for less than fully successful performance.

10 USC 1602.

"§ 1602. Defense Intelligence Agency merit pay system

"The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5.

10 USC 1603.

"§ 1603. Limit on pay

"Nothing in this chapter shall be construed to allow the aggregate amount payable to a member of the Defense Intelligence Senior Executive Service under this chapter during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year."

5 USC 5312

(2) The table of chapters at the beginning of subtitle A of title 10, United States Code, and the table of chapters at the beginning of part II of such subtitle, are amended by adding after the item relating to chapter 81 the following new item:

10 USC 1601
note.

"83. Defense Intelligence Agency Civilian Personnel..... 1601".

(b) The authority of the Secretary of Defense under chapter 83 of title 10, United States Code, as added by subsection (a), may be delegated in accordance with section 133(d) of title 10, United States Code.

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**TITLE VIII—PROVISIONS APPLICABLE TO MORE THAN ONE
AGENCY AND EFFECTIVE DATE**

EXCLUSION FROM VETERANS PREFERENCE PROVISIONS

SEC. 801. Section 2108(3) of title 5, United States Code, is amended by striking out "or the General Accounting Office" and inserting in lieu thereof "the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, or the General Accounting Office".

ACCUMULATION OF ANNUAL LEAVE NOT SUBJECT TO LIMITATION

SEC. 802. Section 6304 of title 5, United States Code, is amended by striking out subsections (f) and (g) and inserting in lieu thereof the following:

"(f) Annual leave accrued shall not be subject to the limitation on accumulation otherwise imposed by this section if such leave is accrued by an individual while serving in a position in—

"(1) the Senior Executive Service;

"(2) the Senior Foreign Service;

"(3) the Defense Intelligence Senior Executive Service; or

"(4) the Senior Cryptologic Executive Service."

EARLY RETIREMENT

SEC. 803. Section 8336 of title 5, United States Code, is amended by inserting "(1)" after "(h)" and by adding at the end thereof the following new paragraph:

"(2) A member of the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service who is removed from such service for less than fully successful executive performance after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity."

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 804. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

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PUBLIC LAW 97-89—DEC. 4, 1981

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

Sec. 805. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

EFFECTIVE DATE

10 USC 1601
note.

Sec. 806. The amendments made by titles V, VI, and VII and by this title shall take effect as of October 1, 1981.

Approved December 4, 1981.

LEGISLATIVE HISTORY—H.R. 3454 (S. 1127):

HOUSE REPORTS: No. 97-101 Pt. 1 (Permanent Select Comm. on Intelligence), Pt. 2 (Comm. on Armed Services) and No. 97-332 (Comm. of Conference).

SENATE REPORTS: No. 97-57 (Select Comm. on Intelligence) and No. 97-148 (Comm. on Armed Services, Governmental Affairs and the Judiciary) accompanying S. 1127.

CONGRESSIONAL RECORD, Vol. 127 (1981):

July 13, considered and passed House.

July 16, considered and passed Senate, amended, in lieu of S. 1127.

Nov. 18, House and Senate agreed to conference report.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 17, No. 49 (1981):
Dec. 4, Presidential statement.

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97TH CONGRESS
1st Session

HOUSE OF REPRESENTATIVES

REPORT
No. 97-332

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1982

NOVEMBER 16, 1981.—Ordered to be printed

Mr. BOLAND, from the committee of conference,
submitted the following

CONFERENCE REPORT

[To accompany H.R. 3454]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3454) to authorize appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the U.S. Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the U.S. Government, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1982".

TITLE I—INTELLIGENCE ACTIVITIES

AUTHORIZATION OF APPROPRIATIONS

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the conduct of the intelligence and intelligence-related activities of the following agencies of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.

- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

CLASSIFIED SCHEDULE OF AUTHORIZATIONS

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1982, for the conduct of the intelligence and intelligence-related activities of the agencies listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany H.R. 3454 of the Ninety-seventh Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

CONGRESSIONAL NOTIFICATION OF EXPENDITURES IN EXCESS OF PROGRAM AUTHORIZATIONS

SEC. 103. During fiscal year 1982, funds may not be made available for any activity for which funds are authorized to be appropriated by this Act unless such funds have been specifically authorized for such activity or, in the case of funds appropriated for a different activity, unless the Director of Central Intelligence or the Secretary of Defense has notified the appropriate committees of Congress of the intent to make such funds available for such activity.

AUTHORIZATION OF APPROPRIATIONS FOR COUNTER-TERRORISM ACTIVITIES OF THE FEDERAL BUREAU OF INVESTIGATION

SEC. 104. In addition to the amounts authorized to be appropriated under section 101(9), there is authorized to be appropriated for fiscal year 1982 the sum of \$11,900,000 for the conduct of the activities of the Federal Bureau of Investigation to counter terrorism in the United States.

TITLE II--INTELLIGENCE COMMUNITY STAFF

AUTHORIZATION OF APPROPRIATIONS

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1982 the sum of \$13,600,000.

AUTHORIZATION OF PERSONNEL END-STRENGTH

SEC. 202. (a) The Intelligence Community Staff is authorized two hundred and twenty full-time personnel as of September 30, 1982. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1982, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representa-

tion from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1982, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

**INTELLIGENCE COMMUNITY STAFF ADMINISTERED IN SAME MANNER AS
CENTRAL INTELLIGENCE AGENCY**

SEC. 203. During fiscal year 1982, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403i) in the same manner as activities and personnel of the Central Intelligence Agency.

**TITLE III—CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM**

AUTHORIZATION OF APPROPRIATIONS

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1982 the sum of \$84,600,000.

**TITLE IV—SUPPLEMENTAL AUTHORIZATION FOR FISCAL
YEAR 1981**

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. In addition to the funds authorized to be appropriated under title I of the Intelligence Authorization Act for Fiscal Year 1981 (Public Law 96-450; 94 Stat. 1975), funds are hereby authorized to be appropriated for fiscal year 1981 for the conduct of the intelligence and intelligence-related activities of the United States Government. The amounts authorized to be appropriated under the preceding sentence are those specified for that purpose in the classified Schedule of Authorizations described in section 102.

**TITLE V—GENERAL PROVISIONS RELATING TO THE
CENTRAL INTELLIGENCE AGENCY**

**ALLOWANCES AND BENEFITS FOR CENTRAL INTELLIGENCE AGENCY
PERSONNEL**

SEC. 501. Section 4 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403e) is amended—

- (1) by inserting "(a)" before "Under such regulations"; and
- (2) by adding at the end thereof the following new subsection:

"(b)(1) The Director may pay to officers and employees of the Agency, and to persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces, allowances and benefits comparable to the allowances and benefits authorized to be paid to members of the Foreign Service under

chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law.

"(2) The Director may pay allowances and benefits related to officially authorized travel, personnel and physical security activities, operational activities, and cover-related activities (whether or not such allowances and benefits are otherwise authorized under this section or any other provision of law) when payment of such allowances and benefits is necessary to meet the special requirements of work related to such activities. Payment of allowances and benefits under this paragraph shall be in accordance with regulations prescribed by the Director. Rates for allowances and benefits under this paragraph may not be set at rates in excess of those authorized by section 5724 and 5724a of title 5, United States Code, when reimbursement is provided for relocation attributable, in whole or in part, to relocation within the United States.

"(3) Notwithstanding any other provision of this section or any other provision of law relating to the officially authorized travel of Government employees, the Director, in order to reflect Agency requirements not taken into account in the formulation of Government-wide travel procedures, may by regulation—

"(A) authorize the travel of officers and employees of the Agency, and of persons detailed or assigned to the Agency from other agencies of the Government or from the Armed Forces who are engaged in the performance of intelligence functions, and

"(B) provide for payment for such travel, in classes of cases, as determined by the Director, in which such travel is important to the performance of intelligence functions.

"(4) Members of the Armed Forces may not receive benefits under both this section and title 37, United States Code, for the same purpose. The Director and Secretary of Defense shall prescribe joint regulations to carry out the preceding sentence.

"(5) Regulations issued pursuant to this subsection shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."

AUTHORITY TO CARRY FIREARMS

SEC. 502. Subsection (d) of section 5 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(d)) is amended to read as follows:

"(d) Authorize personnel designated by the Director to carry firearms to the extent necessary for the performance of the Agency's authorized functions, except that, within the United States, such authority shall be limited to the purposes of protection of classified materials and information, the training of Agency personnel and other authorized persons in the use of firearms, the protection of Agency installations and property, and the protection of Agency personnel and of defectors, their families, and other persons in the United States under Agency auspices; and"

UNAUTHORIZED USE OF CENTRAL INTELLIGENCE AGENCY NAME, INITIALS, OR SEAL

SEC. 503. The Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) is amended by adding at the end thereof the following new section:

"MISUSE OF AGENCY NAME, INITIALS, OR SEAL

"Sec. 13. (a) No person may, except with the written permission of the Director, knowingly use the words 'Central Intelligence Agency', the initials 'CIA', the seal of the Central Intelligence Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the Central Intelligence Agency.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as is warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

INTELLIGENCE ADVISORY COMMITTEES

SEC. 504. (a) Subsection (a) of section 303 of the National Security Act of 1947 (50 U.S.C. 405) is amended by striking out "at a rate not to exceed \$50 for each day of service" in the last sentence and inserting in lieu thereof the following: "at a daily rate not to exceed the daily equivalent of the rate of pay in effect for grade GS-18 of the General Schedule established by section 5332 of title 5, United States Code".

"(b) Subsection (b) of such section is amended by striking out "section 281, 283, or 284 of Title 18" and inserting in lieu thereof "section 203, 205, or 207 of title 18".

TITLE VI—GENERAL PROVISIONS RELATED TO THE
NATIONAL SECURITY AGENCY

ALLOWANCES AND BENEFITS FOR NATIONAL SECURITY AGENCY
PERSONNEL

SEC. 601. (a) Subsection (b)(1) of section 9 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended to read as follows:

"(1) allowances and benefits—

"(A) ~~comparable to those provided by the Secretary of State to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980 (22 U.S.C. 4081 et seq.) or any other provision of law; and~~

"(B) ~~in the case of selected personnel serving in circumstances similar to those in which personnel of the Central Intelligence Agency serve, comparable to those provided by the Director of Central Intelligence to personnel of the Central Intelligence Agency; and~~".

(b) Such section is further amended by adding at the end thereof the following new subsections:

"(d) Members of the Armed Forces may not receive benefits under both subsection (b)(1) and title 37, United States Code, for

the same purpose. The Secretary of Defense shall prescribe such regulations as may be necessary to carry out this subsection.

"(e) Regulations issued pursuant to subsection (b)(1) shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."

LANGUAGE TRAINING AND CRYPTOLOGIC LINGUIST RESERVE PROGRAMS

SEC. 602. The National Security Agency Act of 1959 is amended--

(1) by inserting after section 9 the following:

"SEC. 10. (a) The Director of the National Security Agency shall arrange for, and shall prescribe regulations concerning, language and language-related training programs for military and civilian cryptologic personnel. In establishing programs under this section for language and language-related training, the Director--

"(1) may provide for the training and instruction to be furnished, including functional and geographic area specializations;

"(2) may arrange for training and instruction through other Government agencies and, in any case in which appropriate training or instruction is unavailable through Government facilities, through nongovernmental facilities that furnish training and instruction useful in the fields of language and foreign affairs;

"(3) may support programs that furnish necessary language and language-related skills, including, in any case in which appropriate programs are unavailable at Government facilities, support through contracts, grants, or cooperation with nongovernmental educational institutions; and

"(4) may obtain by appointment or contract the services of individuals to serve as language instructors, linguists, or special language project personnel.

"(b)(1) In order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary or other incentives to encourage civilian cryptologic personnel of the Agency to acquire or retain proficiency in foreign languages or special related abilities needed by the Agency.

"(2) In order to provide linguistic training and support for cryptologic personnel, the Director--

"(A) may pay all or part of the tuition and other expenses related to the training of personnel who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances to civilian personnel in accordance with chapters 57 and 59 of title 5, United States Code, and to military personnel in accordance with chapter 7 of title 37, United States Code, and applicable provisions of title 10, United States Code, when such personnel are assigned to training at sites away from their designated duty station.

"(c)(1) To the extent not inconsistent, in the opinion of the Secretary of Defense, with the operation of military cryptologic reserve units and in order to maintain necessary capability in foreign language skills and related abilities needed by the National Security Agency, the Director may establish a cryptolo-

gic linguist reserve. The cryptologic linguist reserve may consist of former or retired civilian or military cryptologic personnel of the National Security Agency and of other qualified individuals, as determined by the Director of the Agency. Each member of the cryptologic linguist reserve shall agree that, during any period of emergency (as determined by the Director), the member shall return to active civilian status with the National Security Agency and shall perform such linguistic or linguistic-related duties as the Director may assign.

"(2) In order to attract individuals to become members of the cryptologic linguist reserve, the Director, without regard to subchapter IV of chapter 55 of title 5, United States Code, may provide special monetary incentives to individuals eligible to become members of the reserve who agree to become members of the cryptologic linguist reserve and to acquire or retain proficiency in foreign languages or special related abilities.

"(3) In order to provide training and support for members of the cryptologic linguist reserve, the Director—

"(A) may pay all or part of the tuition and other expenses related to the training of individuals in the cryptologic linguist reserve who are assigned or detailed for language and language-related training, orientation, or instruction; and

"(B) may pay benefits and allowances in accordance with chapters 57 and 59 of title 5, United States Code, to individuals in the cryptologic linguist reserve who are assigned to training at sites away from their homes or regular places of business.

"(d)(1) The Director, before providing training under this section to any individual, may obtain an agreement with that individual that—

"(A) in the case of current employees, pertains to continuation of service of the employee, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code; and

"(B) in the case of individuals accepted for membership in the cryptologic linguist reserve, pertains to return to service when requested, and repayment of the expenses of such training for failure to fulfill the agreement, consistent with the provisions of section 4108 of title 5, United States Code.

"(2) The Director, under regulations prescribed under this section, may waive, in whole or in part, a right of recovery under an agreement made under this subsection if it is shown that the recovery would be against equity and good conscience or against the public interest.

"(e)(1) Subject to paragraph (2), the Director may provide to family members of military and civilian cryptologic personnel assigned to representational duties outside the United States, in anticipation of the assignment of such personnel outside the United States or while outside the United States, appropriate orientation and language training that is directly related to the assignment abroad.

"(2) Language training under paragraph (1) may not be provided to any individual through payment of the expenses of tuition or other cost of instruction at a non-Government educational institution unless appropriate instruction is not available at a Government facility.

"(f) The Director may waive the applicability of any provision of chapter 41 of title 5, United States Code, to any provision of this section if he finds that such waiver is important to the performance of cryptologic functions.

"(g) The authority of the Director to enter into contracts or to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"(h) Regulations issued pursuant to this section shall be submitted to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate before such regulations take effect."; and

(2) by striking out "SEC. 10." before "The "Director " and inserting in lieu thereof "(i)."

SENIOR CRYPTOLOGIC EXECUTIVE SERVICE; CRYPTOLOGIC RESEARCH GRANTS; CRYPTOLOGIC PROCUREMENT; MISUSE OF AGENCY NAME

SEC. 603. The National Security Agency Act of 1959 is amended by adding at the end thereof the following new sections:

"SEC. 12. (a)(1) The Secretary of Defense (or his designee) may by regulation establish a personnel system for senior civilian cryptologic personnel in the National Security Agency to be known as the Senior Cryptologic Executive Service. The regulations establishing the Senior Cryptologic Executive Service shall—

"(A) meet the requirements set forth in section 3131 of title 5, United States Code, for the Senior Executive Service;

"(B) provide that positions in the Senior Cryptologic Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of such title;

"(C) provide, without regard to section 2, rates of pay for the Senior Cryptologic Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of such title, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;

"(D) provide a performance appraisal system for the Senior Cryptologic Executive Service that conforms to the provisions of subchapter II of chapter 43 of such title;

"(E) provide for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of such title (except that any hearing or appeal to which a member of the Senior Cryptologic Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense or his designee);

"(F) permit the payment of performance awards to members of the Senior Cryptologic Executive Service consistent with the provisions applicable to performance awards under section 5384 of such title; and

"(G) provide that members of the Senior Cryptologic Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of such title.

"(2) Except as otherwise provided in subsection (a), the Secretary of Defense (or his designee) may—

"(A) make applicable to the Senior Cryptologic Executive Service any of the provisions of title 5, United States Code, applicable to applicants for or members of the Senior Executive Service; and

"(B) appoint, promote, and assign individuals to positions established within the Senior Cryptologic Executive Service without regard to the provisions of title 5, United States Code, governing appointments and other personnel actions in the competitive service.

"(3) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Senior Cryptologic Executive Service in a manner consistent with the provisions of section 4507 of title 5, United States Code.

"(4) Notwithstanding any other provision of this section, the Director of the National Security Agency may detail or assign any member of the Senior Cryptologic Executive Service to serve in a position outside the National Security Agency in which the member's expertise and experience may be of benefit to the National Security Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Senior Cryptologic Executive Service.

"(5) The Director of the National Security Agency shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate, at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on executive personnel in the National Security Agency. The report shall include—

"(A) the total number of positions added to or deleted from the Senior Cryptologic Executive Service during the preceding fiscal year;

"(B) the number of executive personnel (including all members of the Senior Cryptologic Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

"(C) the number, distribution, and amount of awards paid to members of the Senior Cryptologic Executive Service during the preceding fiscal year; and

"(D) the number of individuals removed from the Senior Cryptologic Executive Service during the preceding fiscal year for less than fully successful performance.

"(b) The Secretary of Defense (or his designee) may by regulation establish a merit pay system for such employees of the National Security Agency as the Secretary of Defense (or his designee) considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5, United States Code.

"(c) Nothing in this section shall be construed to allow the aggregate amount payable to a member of the Senior Cryptologic Executive Service under this section during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.

"SEC. 13. (a) The Director of the National Security Agency may make grants to private individuals and institutions for the conduct of cryptologic research. An application for a grant under this sec-

tion may not be approved unless the Director determines that the award of the grant would be clearly consistent with the national security.

"(b) The grant program established by subsection (a) shall be conducted in accordance with the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) to the extent that such Act is consistent with and in accordance with section 6 of this Act.

"(c) The authority of the Director to make grants under this section is effective for any fiscal year only to the extent that appropriated funds are available for such purpose.

"SEC. 14. Funds appropriated to an entity of the Federal Government other than an element of the Department of Defense that have been specifically appropriated for the purchase of cryptologic equipment, materials, or services with respect to which the National Security Agency has been designated as the central source of procurement for the Government shall remain available for a period of three fiscal years.

"SEC. 15. (a) No person may, except with the written permission of the Director of the National Security Agency, knowingly use the words 'National Security Agency', the initials 'NSA', the seal of the National Security Agency, or any colorable imitation of such words, initials, or seal in connection with any merchandise, impersonation, solicitation, or commercial activity in a manner reasonably calculated to convey the impression that such use is approved, endorsed, or authorized by the National Security Agency.

"(b) Whenever it appears to the Attorney General that any person is engaged or is about to engage in an act or practice which constitutes or will constitute conduct prohibited by subsection (a), the Attorney General may initiate a civil proceeding in a district court of the United States to enjoin such act or practice. Such court shall proceed as soon as practicable to the hearing and determination of such action and may, at any time before final determination, enter such restraining orders or prohibitions, or take such other action as it warranted, to prevent injury to the United States or to any person or class of persons for whose protection the action is brought."

TITLE VII—DEFENSE INTELLIGENCE AGENCY PERSONNEL PROVISIONS

DEFENSE INTELLIGENCE SENIOR EXECUTIVE SERVICE; MERIT PAY SYSTEM

SEC. 701. (a)(1) Part II subtitle A of title 10, United States Code, is amended by adding at the end thereof the following new chapter:

"Chapter 83—DEFENSE INTELLIGENCE AGENCY CIVILIAN PERSONNEL

"Sec.

"1601. Defense Intelligence Senior Executive Service.

"1602. Defense Intelligence Agency merit pay system.

"1603. Limit on pay.

"§ 1601. Defense Intelligence Senior Executive Service

"(a) The Secretary of Defense may by regulation establish a personnel system for senior civilian personnel within the Defense Intelligence Agency to be known as the Defense Intelligence Senior

Executive Service. The regulations establishing the Defense Intelligence Senior Executive Service shall—

- “(1) meet the requirements set forth in section 3131 of title 5 for the Senior Executive Service;
 - “(2) provide that positions in the Defense Intelligence Senior Executive Service meet requirements that are consistent with the provisions of section 3132(a)(2) of title 5;
 - “(3) provide rates of pay for the Defense Intelligence Senior Executive Service that are not in excess of the maximum rate or less than the minimum rate of basic pay established for the Senior Executive Service under section 5382 of title 5, and that are adjusted at the same time and to the same extent as rates of basic pay for the Senior Executive Service are adjusted;
 - “(4) provide a performance appraisal system for the Defense Intelligence Senior Executive Service that conforms to the provisions of subchapter II of chapter 43 of title 5;
 - “(5) provides for removal consistent with section 3592 of such title, and removal or suspension consistent with subsections (a), (b), and (c) of section 7543 of title 5 (except that any hearing or appeal to which a member of the Defense Intelligence Senior Executive Service is entitled shall be held or decided pursuant to procedures established by regulations of the Secretary of Defense);
 - “(6) permit the payment of performance awards to members of the Defense Intelligence Senior Executive Service consistent with the provisions applicable to performance awards under section 5384 of title 5; and
 - “(7) provide that members of the Defense Intelligence Senior Executive Service may be granted sabbatical leaves consistent with the provisions of section 3396(c) of title 5.
- “(b) Except as otherwise provided in subsection (a), the Secretary of Defense may—
- “(1) make applicable to the Defense Intelligence Senior Executive Service any of the provisions of title 5 applicable to applicants for or members of the Senior Executive Service; and
 - “(2) appoint, promote, and assign individuals to positions established within the Defense Intelligence Senior Executive Service without regard to the provisions of title 5 governing appointments and other personnel actions in the competitive service.
- “(c) The President, based on the recommendations of the Secretary of Defense, may award ranks to members of the Defense Intelligence Senior Executive Service in a manner consistent with the provisions of section 4507 of title 5.
- “(d) Notwithstanding any other provision of this section, the Secretary of Defense may detail or assign any member of the Defense Intelligence Senior Executive Service to serve in a position outside the Defense Intelligence Agency in which the member's expertise and experience may be of benefit to the Defense Intelligence Agency or another Government agency. Any such member shall not by reason of such detail or assignment lose any entitlement or status associated with membership in the Defense Intelligence Senior Executive Service.
- “(e) The Secretary of Defense shall each year submit to the Permanent Select Committee on Intelligence of the House of Representatives and the Select Committee on Intelligence of the Senate,

at the time the Budget is submitted by the President to the Congress for the next fiscal year, a report on the executive personnel in the Defense Intelligence Agency. The report shall include—

“(1) the total number of positions added to or deleted from the Defense Intelligence Senior Executive Service during the preceding fiscal year;

“(2) the number of executive personnel (including all members of the Defense Intelligence Senior Executive Service) being paid at each grade level and pay rate in effect at the end of the preceding fiscal year;

“(3) the number, distribution, and amount of awards paid to members of the Defense Intelligence Senior Executive Service during the preceding fiscal year; and

“(4) the number of individuals removed from the Defense Intelligence Senior Executive Service during the preceding fiscal year for less than fully successful performance.

“§1602. Defense Intelligence Agency merit pay system

“The Secretary of Defense may by regulation establish a merit pay system for such employees of the Defense Intelligence Agency as the Secretary considers appropriate. The merit pay system shall be designed to carry out purposes consistent with those set forth in section 5401(a) of title 5.

“§1603. Limit on pay

“Nothing in this chapter shall be construed to allow the aggregate amount payable to a member of the Defense Intelligence Senior Executive Service under this chapter during any fiscal year to exceed the annual rate payable for positions at level I of the Executive Schedule in effect at the end of such year.”

(2) The table of chapters at the beginning of subtitle A of title 10, United States Code, and the table of chapters at the beginning of part II of such subtitle, are amended by adding after the item relating to chapter 81 the following new item:

“83. Defense Intelligence Agency Civilian Personnel 160

(b) The authority of the Secretary of Defense under chapter 83 of title 10, United States Code, as added by subsection (a), may be delegated in accordance with section 133(d) of title 10, United States Code.

TITLE VIII—PROVISIONS APPLICABLE TO MORE THAN ONE AGENCY AND EFFECTIVE DATE

EXCLUSION FROM VETERANS PREFERENCE PROVISIONS

SEC. 801. Section 2108(3) of title 5, United States Code, is amended by striking out “or the General Accounting Office” and inserting in lieu thereof “, the Defense Intelligence Senior Executive Service, the Senior Cryptologic Executive Service, or the General Accounting Office”.

ACCUMULATION OF ANNUAL LEAVE NOT SUBJECT TO LIMITATION

SEC. 802. Section 6304 of title 5, United States Code, is amended by striking out subsections (f) and (g) and inserting in lieu thereof the following:

"(f) Annual leave accrued shall not be subject to the limitation on accumulation otherwise imposed by this section if such leave is accrued by an individual while serving in a position in—

- "(1) the Senior Executive Service;
- "(2) the Senior Foreign Service;
- "(3) the Defense Intelligence Senior Executive Service; or
- "(4) the Senior Cryptologic Executive Service."

EARLY RETIREMENT

SEC. 803. Section 8336 of title 5, United States Code, is amended by inserting "(1)" after "(h)" and by adding at the end thereof the following new paragraph:

"(2) A member of the Defense Intelligence Senior Executive Service or the Senior Cryptologic Executive Service who is removed from such service for less than fully successful executive performance after completing 25 years of service or after becoming 50 years of age and completing 20 years of service is entitled to an annuity."

INCREASES IN EMPLOYEE BENEFITS AUTHORIZED BY LAW

SEC. 804. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES

SEC. 805. The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States.

EFFECTIVE DATE

SEC. 806. The amendments made by titles V, VI, and VII and by this title shall take effect as of October 1, 1981.

And the Senate agree to the same.

EDWARD P. BOLAND,
CLEMENT J. ZABLOCKI,
NORMAN Y. MINETA,
BOB STUMP,
J. K. ROBINSON,
G. WILLIAM WHITEHURST,
BILL YOUNG,

For such matters within the jurisdiction of the Committee on Armed Services pursuant to clause 1(c) of Rule X of the Rules of the House of Representatives:

MELVIN PRICE,
SAMUEL S. STRATTON,
WM. L. DICKINSON,

For such matters within the jurisdiction of the Committee on the Judiciary pursuant to clause 1(m) of Rule X of the Rules of the House of Representatives:

PETER W. RODINO, Jr.,
DON EDWARDS,
ROBERT MCCLORY,
Managers on the Part of the House.

BARRY GOLDWATER,
MALCOLM WALLOP,
JAKE GARN,
DAVID DURENBERGER,
BILL ROTH,
HARRISON H. SCHMITT,
JOHN WARNER
(for matters of interest to Committee on Armed Services),
DANIEL PATRICK MOYNIHAN,
DANIEL K. INOUE,
HENRY M. JACKSON,
LLOYD BENTSEN,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 3454) to authorize appropriations for fiscal year 1982 for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability System, to authorize supplemental appropriations for fiscal year 1981 for the intelligence and intelligence-related activities of the United States Government, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The Senate amendment struck out all of the House bill after the enacting clause and inserted a substitute text.

The House recedes from its disagreement to the amendment of the Senate with an amendment which is a substitute for the House bill and the Senate amendment. The differences between the House bill, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

TITLE I—INTELLIGENCE ACTIVITIES

Due to the classified nature of intelligence and intelligence-related activities, a classified annex to this joint explanatory statement serves as a guide to the classified Schedule of Authorizations by providing a detailed description of program and budget authority contained therein as reported by the Committee of Conference.

The actions of the conferees on all matters at difference between the two Houses (stated in the classified annex, supplement and appendix that accompanied the House bill and the Senate amendment) are shown below or in the classified annex to this joint statement.

A special conference group resolved differences between the House and Senate regarding DoD Intelligence Related Activities, referred to as Tactical Intelligence and Related Activities (TIARA). This special conference group was necessitated by the differing committee jurisdictions between the two Houses and consisted of members of the House and Senate Committees on Armed Services and the House Permanent Select Committee on Intelligence.

The amounts listed for TIARA programs represent the funding levels jointly agreed to by the TIARA conferees and the House and Senate conferees for the Department of Defense Authorization Act, 1982, for those programs subject to annual authorization and contained in the Department of Defense Authorization bill. In addi-

tion, the TIARA conferees have agreed on the authorization level, as listed in the classified Schedule of Authorizations, the joint statement, and its classified annex, for TIARA programs which fall into the appropriation categories of Military Pay, Other Procurement, and Military Construction.

The Senate amendment contained a provision (Sec. 510) which would make it a federal crime to kill, or attempt to kill, CIA personnel while acting in the line of duty, intelligence defectors, or foreign visitors who are present in the United States under the auspices of the Director of Central Intelligence. The conferees agreed that such a proposal deserved consideration but recognized that the House Judiciary Committee had not had an opportunity to adequately consider the matter. The conferees therefore agreed to defer this proposal without prejudice. It was further agreed that separate legislation on this proposal would be introduced.

SECTION 103

Section 103 of the House bill provided that each individual ceiling established specifically in the Schedule of Authorizations would be a limitation on obligation and expenditure except by notification of the appropriate committees of Congress fifteen days prior to the intended obligation or expenditure. The Senate amendment contained no similar provision.

The conferees agreed to revised language requiring that no funds may be appropriated or otherwise made available through transfer, reprogramming, etc., unless specifically authorized or unless by notification. The conferees intend that specifically authorized intelligence activities be considered as those activities described in annual budget justification material as modified by the Congress. In addition, the conferees agreed that the notification requirement is not intended to apply to reprogrammings below agreed-to dollar thresholds, releases from authorized contingency funds, or to Economy Act transactions for specific activities otherwise authorized by law. Further, the conferees agreed that while notification required under this provision should be made at least fifteen days prior to completion of the funding transaction, circumstances may occasionally require later notification.

The Administration has argued that circumstances could arise in which prior notice of an activity would be required by Section 103 but would not be required by the Intelligence Oversight Act. Whether or not such circumstances could exist, the conferees agree that should questions arise on the issue in the future, resolution should be guided by the principles of comity and mutual understanding as set forth in the statement of managers accompanying the conference report on the Intelligence Oversight Act (H. Rept. 96-1350). Under all circumstances, however, the notification of the Intelligence Committees required by this Section, must be provided.

SECTION 104

Section 105 of the House bill authorized appropriations of \$11,900,000 for activities of the Federal Bureau of Investigation undertaken to counter domestic terrorism. The Senate amendment contained no such specific provision. The funding level recommended by the Senate and reflected in Section 101 of the Senate amendment, was the same as the House bill.

The conferees agreed to the House provision.

TITLE II--INTELLIGENCE COMMUNITY STAFF

CONFERENCE ACTIONS, FISCAL YEAR 1982 (SEC. 201)

(In millions of dollars)

| Project | Fiscal year 1982 request | House action | Senate action | Conference authoriza- tion |
|----------------------------------|--------------------------------|-----------------|------------------|----------------------------------|
| External research contracts..... | 3.1 | -0.8 | | 2.3 |
| Personnel compensation..... | 9.9 | -1.0 | | 8.9 |
| Remaining ICS funding..... | 2.4 | | | 2.4 |
| Total ICS funding..... | 15.4 | -1.8 | | 13.6 |
| Total ICS manpower..... | (245) | (-25) | | (220) |

The conferees agreed to a reduction of \$1.8 million for the Intelligence Community Staff. This reduction also results in the deletion of 25 previously authorized positions on the Staff.

The conferees recognize that the Director of Central Intelligence plans to transfer certain existing personnel and functions into the Intelligence Community Staff from other components. The provisions of Title II allow for transfer of personnel for up to one year on a nonreimbursable basis. If the Director wishes to make the transfer permanent, he may recommend increased personnel ceilings next year with corresponding reduction in ceiling in the losing component.

TITLE III--CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

There were no differences at conference to be resolved on CIARDS. Both the House and the Senate authorized \$84,600,000, the amount requested.

TITLE IV--SUPPLEMENTAL AUTHORIZATION, FISCAL YEAR 1981

The actions of the conferees on all matters at difference between the two Houses (stated in the classified annex and supplement that accompanied the House bill and the Senate amendment) are shown in the classified annex to this joint statement.

TITLE V--GENERAL PROVISIONS RELATING TO THE CIA

SECTION 501

The House bill contained a provision (Section 502(a)) which would permit the Director of Central Intelligence to: pay CIA officers, employees, detailees and assignees benefits and allowances comparable to those paid to members of the Foreign Service under chapter 9 of title I of the Foreign Service Act of 1980; pay other allowances and benefits to CIA personnel in connection with certain specified aspects of authorized intelligence activities; and establish travel regulations for CIA personnel inconsistent with government-wide travel procedures where important to the performance of intelli-

gence functions. The Senate amendment (Section 505) provided similar, but more broadly drafted, grants of authority.

The conferees agreed to the House language with minor drafting changes.

The conferees note that although the language agreed to speak in terms of benefits and allowances provided to officers, employees, detailees and assignees of the CIA, benefits and allowances may be provided under the authority of these provisions to such CIA personnel for their dependents just as under the Senate language. Thus visits by children to parents with whom they do not regularly reside would be included among the benefits that could be extended consistent with the new authority.

In agreeing to the House-recommended limitation on reimbursement for portions of travel attributable to travel within the United States, agreed to for reasons of basic fairness, the conferees discovered a disturbing aspect in their examination of these same government-wide rates of reimbursement for officially related personnel transfers. These rates are inadequate to compensate government officials for the real cost of moving from assignment to assignment. Intelligence personnel have been particularly affected because career development often requires frequent moves between major metropolitan centers at the price of considerable personal loss. The conferees believe that government-wide rates ought to be reexamined in light of this dilemma, which promises to discourage the morale and efficiency of significant numbers of intelligence personnel. The conferees believe this reassessment should come both from the executive branch, which presently limits reimbursements at levels below that permitted by law, and from the Congress, which should consider prompt revision of the present statutory authorities relating to transfer expenses.

The conferees also wish to note that the regulations under which the authorities provided to the Director of Central Intelligence may be implemented should deal with those categories and classes of cases where, under appropriate authorities, allowances or benefits may be extended. The committees wish to be provided with these regulations in advance of their implementation because of the hitherto unparalleled grant to authority which the benefits and allowances provisions confer on the Director. This requirement also applies—for the same reasons—to any subsequent modification of such regulations which involve a change of substance. The conferees wish to emphasize, however, that this review of regulations is intended only to examine the broader categories and classes of cases in which certain benefits or allowances will be extended. This review is not intended to be a case-by-case review of decisions taken pursuant to the regulations, but of the policy which guides them.

With particular reference to those authorities provided to the Director which may depart from government-wide travel procedures, it should be noted that the original House language was amended by the conferees to make clear that the decisions which the Director makes under this authority are to be made in regulations dealing with classes of cases. These classes of cases must be dealt with in the regulations, but decisions on individual cases may be delegated by the regulations to appropriate officials.

SECTION 502

The Senate amendment contained a provision (Section 503) authorizing CIA personnel to carry firearms to perform authorized CIA functions. The House bill contained no such provision.

The conferees agreed to the Senate provision, but specifically limited CIA firearms authority within the United States to the protection of classified materials and information, the training of CIA personnel in the use of firearms; maintenance of the security of CIA installations and property; and protection of CIA personnel, defectors and their families, and other persons in the United States under CIA auspices.

SECTION 503

The Senate amendment contained a provision (Section 504) proscribing the unauthorized use of the CIA's name, initials or seal in a manner reasonably calculated to convey the impression that such use was authorized and authorizing the Attorney General to seek to enjoin such unauthorized use. The House bill contained no such provision.

The conferees agreed to the Senate provision, with the deletion of redundant matter.

The conferees recognize that some organizations may presently use the initials CIA as an abbreviation or logo for their business name which is other than "Central Intelligence Agency." Section 503 would not prevent legitimate use of these initials by such organizations as an abbreviation or logo for their name so long as there is no false representation of Agency endorsement. It is not the intent of this section to bar members of the public from selling or using T-shirts and souvenirs which bear the Agency's name or initials, provided that the seller or user does not falsely represent that he is acting with the approval or on behalf of the Agency. In other words, the placement of the Agency's name, initials or seal on an item of merchandise, without other facts indicating that the item is being used in a manner reasonably calculated to convey the false impression that such use is approved, endorsed or authorized by the Agency, would not be a sufficient basis for an injunction under this section.

TITLE VI—GENERAL PROVISIONS RELATED TO THE
NATIONAL SECURITY AGENCY

SECTION 601

Section 502(b) of the House bill would permit the Director of the National Security Agency to provide, to a selected group of civilian and military cryptographic personnel serving in circumstances similar to those in which CIA personnel serve, benefits and allowances identical to those which could be provided to CIA employees under Section 502(a) of the House bill. The Senate amendment (Section 506) provided authority to the Director of NSA to provide benefits and allowances to NSA personnel parallel to those provided for CIA employees by Section 505 of the Senate amendment.

The conferees agreed to the House provision, including reporting requirements identical to those required by Section 501.

SECTION 602

The House bill contained a provision (Section 503) which authorizes the Director of the National Security Agency: to pay for and otherwise support language and language-related training for NSA employees, and to do so in non-governmental institutions where suitable training courses or instruction is unavailable through government language training centers; to support non-government programs furnishing such instruction when necessary programs are not available at government language training centers; to hire or contract for necessary instructors or other language experts as needed; to offer incentives to civilian NSA employees to maintain language skills not required for their present assignment or to acquire new languages; to offer similar incentives, as well as appropriate training and related benefits and allowances, to retired NSA employees or to other qualified individuals in order to establish a cryptologic linguist reserve; and to provide language training to family members of a certain class of NSA employees who perform representational duties overseas. The Senate amendment contained a provision (Section 508) providing similar authorities. The Senate provision also would extend Civil Service retirement benefits to contract employees of NSA.

The conferees agreed to the House provision with certain minor or technical changes including reporting requirements identical to those in Sections 501 and 601. The conferees also agreed that, while appropriations for language training and the operation of the cryptologic linguist reserve under the authority of Section 602 need not be a line item in applicable appropriation acts, requests for such appropriations should be clearly identified in the budget justification materials submitted to appropriate congressional committees.

SECTION 603

The Senate amendment contained provisions (Section 611-614) permitting the creation at NSA of a Senior Cryptologic Executive Service and a merit pay system similar to the Senior Executive Service and the merit pay system established by the Civil Service Reform Act of 1978. The House bill contained no such provision.

The conferees agreed to a revised version of the Senate language. This new language closely parallels that of the Government Accounting Office's Senior Executive Service (31 U.S.C. 52-4), but achieves all the purposes of the Senate amendment.

Authority for creation of the Senior Cryptologic Executive Service and the establishment of its parameters through regulation is to lie with the "Secretary of Defense (or his designee)." This phrase was employed by the conferees because the NSA, as a Defense Agency, must remain responsive to direction from the Secretary. Ordinarily, as is the case today under other provisions of the National Security Agency Act, the Secretary delegates his responsibilities to the Director of NSA. Where appropriate, however, as where equities exist which go beyond the interest of NSA, the Secretary will be able to exercise policy guidance in the establishment of the SCES.

The conferees note that the annual report on the SCES required to be provided to the intelligence committees by the Director of

NSA may be classified since it requires, in some cases, listing numbers of SCES members in certain categories.

The conferees also note that the new authorities created by this provision are in addition to and not intended to diminish any authority provided to NSA by Section 2 of the National Security Agency Act of 1959. Further, neither the Senior Cryptologic Executive Service nor the Defense Intelligence Senior Executive Service should be considered included within the definition of the "excepted service," as defined by Section 2103(a) of title 5, United States Code.

The House bill contained a provision (Section 504) which would permit the Director of the NSA to make grants for cryptologic research. Funds for this purpose were required to be shown as a line item in the applicable appropriations act. The Senate amendment contained no such provision.

The conferees agreed to accept the House language, except that funds for the cryptologic grant program need only be clearly identified in the annual NSA budget justification materials submitted to the appropriate congressional committees.

The House bill contained a provision (Section 505) providing that funds specifically appropriated to non-Defense Agencies for the purchase of cryptologic equipment, materials or services which will be purchased by NSA, acting as the central source of all such government procurements, shall remain available for three fiscal years. The Senate amendment contained no such provision.

The conferees agreed to the House provision.

The Senate amendment contained a provision (Section 507) proscribing the unauthorized use of the NSA's name, initials or seal in a manner reasonably calculated to convey the impression that such use was authorized and authorizing the Attorney General to seek to enjoin such unauthorized use. The House bill contained no such provision.

The conferees agreed to the Senate provision with the deletion of one superfluous sentence and a redrafting to make the provision identical to that pertaining to the unauthorized use of the CIA's name, initials or seal (Section 503 of the conference report). The conferees intend that this provision be interpreted just as Section 503 of the conference report.

SECTION 701

The Senate amendment contained provisions (Sections 601-605) permitting creation within the Defense Intelligence Agency of a Senior Defense Intelligence Executive Service comparable to the Senior Executive Service, providing DIA a general exemption from the classification system, extending authority to the Secretary of Defense to terminate the employment of any DIA employee when he determined such action would be in the interests of the United States, and providing that organizational, functional and personnel related information concerning DIA need not be made public. The House bill contained no similar provisions.

The conferees agreed to revised language creating a Defense Intelligence Senior Executive Service and a merit pay system at DIA. The conferees agreed not to include the other portions of the Senate amendment but agreed that these proposals deserved the scrutiny of regular hearings and consultation among all com-

tees of appropriate jurisdiction. The authorities provided under Section 701 of the conference report are identical to those provided, in the case of the Senior Cryptologic Executive Service, by Section 603.

SECTIONS 801, 802, 803

The Senate amendment contained appropriate technical amendments (Sections 603-605, 613) applicable to both the Senior Cryptologic Executive Service and the Senior Defense Intelligence Executive Service. The House bill contained no such provision.

The conferees agreed to incorporate these provisions in similar language.

SECTION 805

The Senate amendment provided that the authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or laws of the United States. The House bill contained similar language applying to the entire Act.

The conferees agreed to the Senate provision.

SECTION 806

The House bill provided for an effective date of October 1, 1981 for all non-budgetary provisions. The Senate amendment provided for different effective dates for its various provisions.

The conferees agreed to the House provision.

EDWARD P. BOLAND,
CLEMENT J. ZABLOCKI,
NORMAN Y. MINETA,
BOB STUMP,
J. K. ROBINSON,
G. WILLIAM WHITEHURST,
BILL YOUNG.

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For such matters within the jurisdiction of the Committee on Armed Services pursuant to clause 1(c) of Rule X of the Rules of the House of Representatives:

MELVIN PRICE,
SAMUEL S. STRATTON,
WM. L. DICKINSON,

For such matters within the jurisdiction of the Committee on the Judiciary pursuant to clause 1(m) of Rule X of the Rules of the House of Representatives:

PETER W. RODINO, Jr.,
DON EDWARDS,
ROBERT MCCLORY,

Managers on the Part of the House

BARRY GOLDWATER,
MALCOLM WALLOP,
JAKE GARN,
DAVID DURENBERGER,
BILL ROTH,
HARRISON H. SCHMITT,
JOHN WARNER

(for matters of interest to Committee on Armed Services).

DANIEL PATRICK MOYNIHAN,
DANIEL K. INOUE,
HENRY M. JACKSON,
LLOYD BENTSEN,

Managers on the Part of the Senate.

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A BILL

To authorize appropriations for fiscal year 1982 for intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, for the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Intelligence Authorization Act for Fiscal Year 1982."

TITLE I - INTELLIGENCE ACTIVITIES

Authorization of Appropriations

SEC. 101. Funds are hereby authorized to be appropriated for fiscal year 1982 for the conduct of the intelligence and intelligence-related activities of the following agencies of the United States Government:

- (1) The Central Intelligence Agency.
- (2) The Department of Defense.
- (3) The Defense Intelligence Agency.
- (4) The National Security Agency.
- (5) The Department of the Army, the Department of the Navy, and the Department of the Air Force.
- (6) The Department of State.
- (7) The Department of the Treasury.
- (8) The Department of Energy.
- (9) The Federal Bureau of Investigation.
- (10) The Drug Enforcement Administration.

Classified Schedule of Authorizations

SEC. 102. The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 1982, for the conduct of the intelligence and intelligence-related activities of the agencies listed in such section, are those specified in the classified Schedule of Authorizations prepared by the committee of conference to accompany _____ of the 97th Congress. That Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the Executive Branch.

Congressional Notification of Expenditures
in Excess of Program Authorizations

SEC. 103. During fiscal year 1982, funds may not be obligated or expended for any program for which funds are authorized to be appropriated by section 101 in an amount in excess of the amount specified for that program in the classified Schedule of Authorizations described in section 102 unless the Director of Central Intelligence or the Secretary of Defense notifies the appropriate committees of Congress of the intent to make such obligation or expenditure not less than fifteen days before such obligation or expenditure is made. Statutory provisions limiting the transfer of funds between appropriations shall not apply to the reprogramming of funds among the intelligence programs for which funds are authorized to be appropriated by section 101.

Conduct of Intelligence Activities

SEC. 104. Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is prohibited by the Constitution or laws of the United States.

TITLE II - INTELLIGENCE COMMUNITY STAFF

Authorization of Appropriations

SEC. 201. There is authorized to be appropriated for the Intelligence Community Staff for fiscal year 1982 the sum of \$16,400,000.

Authorization of Personnel End-Strength

SEC. 202.(a) The Intelligence Community Staff is authorized 257 full-time personnel as of September 30, 1982. Such personnel may be permanent employees of the Intelligence Community Staff or personnel detailed from other elements of the United States Government.

(b) During fiscal year 1982, personnel of the Intelligence Community Staff shall be selected so as to provide appropriate representation from elements of the United States Government engaged in intelligence and intelligence-related activities.

(c) During fiscal year 1982, any officer or employee of the United States or member of the Armed Forces who is detailed to the Intelligence Community Staff from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of Central Intelligence.

Intelligence Community Staff Administered in Same
Manner as Central Intelligence Agency

SEC. 203. During fiscal year 1982, activities and personnel of the Intelligence Community Staff shall be subject to the provisions of the National Security Act of 1947 (50 U.S.C. 401 et seq.) and the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) in the same manner as activities and personnel of the Central Intelligence Agency.

TITLE III - CENTRAL INTELLIGENCE AGENCY RETIREMENT
AND DISABILITY SYSTEM

Authorization of Appropriations

SEC. 301. There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 1982 the sum of \$84,600,000.

TITLE IV - TECHNICAL PROVISIONS

Increases in Employee Benefits Authorized by Law

SEC. 401. Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such benefits authorized by law.

Compliance with Section 607 of P.L. 93-344, the
Congressional Budget and Impoundment Control Act of 1974

SEC. 402. There are authorized to be appropriated for fiscal year 1983 such sums as may be necessary for the intelligence and intelligence-related activities of the United States Government, for the Intelligence Community Staff, and for the Central Intelligence Agency Retirement and Disability Fund.

Technical Amendment to Section 303 of the
National Security Act of 1947

SEC. 403. Section 303 of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by striking from the last sentence of 50 U.S.C. 405(a) the word "at" and the words which follow, up to and including the word "service,".

**TITLE V - OFFSETTING DISINCENTIVES
TO OVERSEAS SERVICE**

Comparability of Allowances and Benefits

SEC. 501.(a) The Director of Central Intelligence may authorize payment by the Central Intelligence Agency to its officers and employees, and their dependents, and by other elements of the Intelligence Community to their officers and employees who serve in like circumstances, and their dependents, of travel, transportation, health care, and other allowances and benefits in a manner and under circumstances comparable to those provided under Chapter 9 of the Foreign Service Act of 1980 (P.L. 96-465), as enacted on 17 October 1980 or as subsequently amended.

(b) Whenever any provision of law relating to allowances and benefits for members of the Foreign Service or their dependents is enacted in a form other than an amendment to Chapter 9 of the Foreign Service Act of 1980, and the Director of Central Intelligence determines that it would be appropriate for the purpose of promoting the effective performance of authorized intelligence functions, the Director of Central Intelligence may authorize payment of comparable allowances and benefits by the Central Intelligence Agency to its officers and employees, and their dependents, and by other elements of the Intelligence Community to their officers and employees who serve in like circumstances, and their dependents.

Reassignments Involving Domestic Relocations/Promoting
Effective Performance of Authorized Intelligence Functions

SEC. 502. The Director of Central Intelligence may authorize payment by the Central Intelligence Agency to its officers and employees, and their dependents, and by other elements of the Intelligence Community to their officers and employees who serve in like circumstances, and their dependents, of: (i) relocation expenses, including but not limited to expenses incident to household moves necessitated by foreign-to-domestic and domestic-to-foreign assignments for which reimbursement is not specifically authorized under

any other provision of law; and, (ii) other allowances and benefits that the Director of Central Intelligence determines to be appropriate for the purpose of promoting the effective performance of authorized intelligence functions: Provided, that with respect to assignments described in subsection (i) of this section, no payment shall be made for expenses associated with the sale of a residence (or settlement of an unexpired lease) at an old station and purchase of a home at a new station when either station is located within the Standard Metropolitan Statistical Area of the District of Columbia (as defined in the Statistical Abstract of the United States (100th ed.), Bureau of the Census, U.S. Department of Commerce, or successor Abstracts).

SEC. 503. For purposes of this title, the term "Intelligence Community" means Intelligence Community as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders.

TITLE VI - AMENDMENTS TO THE FOREIGN INTELLIGENCE
SURVEILLANCE ACT

Physical Entry for the Purpose of
Implementing an Electronic Surveillance
Under Section 102(a) of the Act

SEC. 601. Subsection 102(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by adding the following new provision:

"(5) The Attorney General may authorize physical entry of property under the open and exclusive control of a foreign power, as defined in subsections 101(a)(1), (2), or (3), for the purpose of installing, repairing, or removing any electronic, mechanical, or other surveillance device used in conjunction with an electronic surveillance authorized in accordance with subsection 102(a)."

Modification of Targeting
Standards Pertaining to
Agents of Foreign Powers

SEC. 602. Subsection 101(b)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by deleting "or" at the end of (C), changing the period at the end of (D) to a semi-colon, adding "or" at the end of (D), and adding the following new provision:

"(E) is a current or former senior official of a foreign power as defined in subsection (a)(1) or (2)."

Extension of the Emergency
Surveillance Period

SEC. 603. Subsection 105(e)(2) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by deleting "twenty-four" wherever it appears and inserting in lieu thereof "forty-eight."

TITLE VII - PROTECTION OF INTELLIGENCE PERSONNEL
AND INSIGNIA/PROHIBITION OF FALSE
REPRESENTATION

Protection of Intelligence Personnel

SEC. 701.(a) Section 1114 of title 18, United States Code, is amended by inserting the words "or attempts to kill" after the word "kills" and by deleting all that follows the words "law enforcement functions," and substituting in lieu thereof the following:

"or any officer or employee of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders), not already covered under the terms of this section, or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the Currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration while engaged in the performance of his official duties or on account of the performance of his official duties, shall be punished as provided under sections 1111 and 1112 of this title, except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years."

(b) Subsection 1116(b)(6) of title 18, United States Code, is amended by inserting in lieu thereof the following:

"(6) "Official guest" means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States -

(A) pursuant to designation as such by the Secretary of State; or

(B) under the auspices of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders) pursuant to designation as such by the Director of Central Intelligence or his designees; or

(C) under the provisions of 50 U.S.C. 403h."

Unauthorized Use of Names, Initials, or
Seals/Impersonation of Intelligence Personnel

SEC. 702. The tenth paragraph of section 709 of title 18, United States Code, is amended by: inserting the words "or the Director of Central Intelligence" after the words "Director of the Federal Bureau of Investigation"; inserting the words "or 'Central Intelligence Agency'" after the words "knowingly uses the words 'Federal Bureau of Investigation'"; inserting the words "or 'C.I.A.' or the seals thereof" after the words "or the initials 'F.B.I.'"; inserting the words "or seals in connection with any solicitation, impersonation or representation for other than authorized purposes or" after the words "any colorable imitation of such words or initials"; and by inserting the words "or the Central Intelligence Agency" after the words "approved, endorsed, or authorized by the Federal Bureau of Investigation".

TITLE VIII - PROTECTION OF INTELLIGENCE INFORMATION

Investigation of Unauthorized Disclosures of
Classified Information

Findings

SEC. 801. The Congress hereby makes the following findings:

(a) Improper disclosures of classified information by government employees can be harmful to the foreign relations and national defense interests of the United States.

(b) Such disclosures by persons who cannot be identified and held accountable for their actions are harmful to the orderly and effective functioning of the government.

(c) More effective steps must be taken to curtail unauthorized disclosures of classified information.

Definitions

SEC. 802.(a) For purposes of this title, "classified information" means information or material designated and clearly marked or clearly represented, pursuant to the provisions of a statute or Executive Order (or a regulation or order issued pursuant to a statute or Executive Order), as requiring a specific degree of protection against unauthorized disclosure for reasons of national security.

(b) For purposes of this title, "unauthorized disclosure" means any communication, revelation, or publication without authority, right, or permission pursuant to--

(1) the provisions of a statute or Executive Order, and contrary to the regulations and procedures issued pursuant thereto;

(2) order of any United States Court; or

(3) provisions of any Rule of the House of Representatives or Resolution of the Senate.

Removal From The Federal Service

SEC. 803.(a) Notwithstanding any other provision of law, an officer or employee of the United States or member

of the uniformed services who causes or participates in the unauthorized disclosure of classified information as defined in this title may be removed from the civil service or uniformed services, or be disciplined as otherwise authorized by law or regulation.

(b) Such removal shall be accomplished in accordance with the provisions of any statute or Executive Order (or rule or regulation issued pursuant thereto) otherwise applicable to removal or discipline of such officers, employees, or members.

(c) No removal or disciplinary action against an officer or employee of the United States or a member of the uniformed services for unauthorized disclosure of classified information shall be reviewable in any court of the United States.

Investigation of Unauthorized Disclosures of Classified Information

SEC. 804.(a) The Federal Bureau of Investigation is authorized to investigate any unauthorized disclosure of classified information. Upon recommendation of the head of any department or agency for investigation of an unauthorized disclosure of classified information, the Federal Bureau of Investigation shall conduct an investigation for the purpose of determining whether an officer or employee of the United States or member of the uniformed services caused such unauthorized disclosure.

(b) In the conduct of investigations authorized or required by this section, the Federal Bureau of Investigation may interview any person and use any investigative technique otherwise available under the Constitution or laws of the United States.

Civil Investigative Demand Grounds for Issuance

SEC. 805.(a) Whenever the Attorney General, the Assistant Attorneys General in charge of the Civil Division or the Criminal Division of the Department of Justice, or the Director of the Federal Bureau of Investigation has reason to believe that any person may be in possession, custody, or control of any documentary material relevant to an investigation of an unauthorized disclosure of classified information, he may issue in writing, and cause to be served upon such person, a civil investigative demand requiring such person to produce such material for examination.

Contents of Demand; Statement of Alleged
Violation; Description of Material to be Produced;
Return Date; Custodian

(b) Each such demand shall--

(1) state the nature of the conduct constituting the alleged unauthorized disclosure of classified information which is under investigation;

(2) describe the class or classes of documentary material to be produced thereunder with such definiteness and certainty as to permit such material to be fairly identified;

(3) prescribe a return date which will provide a reasonable period of time within which the material so demanded may be assembled and made available for inspection and copying or reproduction; and

(4) identify the custodian to whom such material shall be made available.

Restrictions; Unreasonable Requirements;
Privileged Information

(c) No such demand shall--

(1) contain any requirement which would be held to be unreasonable if contained in a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged unauthorized disclosure of classified information; or

(2) require the production of any documentary evidence which would be privileged from disclosure if demanded by a subpoena duces tecum issued by a court of the United States in aid of a grand jury investigation of such alleged unauthorized disclosure of classified information.

Service; Persons Who May Serve;
Place of Service

(d) Any such demand may be served by any agent of the Federal Bureau of Investigation, or by any United States marshal or deputy marshal, at any place within the territorial jurisdiction of any court of the United States.

Judicial Proceedings
Court Order for Enforcement; Grounds;
Jurisdiction; Venue

SEC. 806. (a) Whenever any person fails to comply with any civil investigative demand duly served upon him under section 5 or whenever satisfactory copying or reproduction of any such material cannot be done and such person refuses to surrender such material, the Attorney General, through such officers or attorneys as he may designate, may file, in the district court of the United States for any judicial district in which such person resides, is found, or transacts business, and serve upon such person a petition for an order of such court for the enforcement of this Act.

Petition for Order Modifying or Setting Aside
Demand; Jurisdiction; Venue; Grounds; Tolling of Time
Allowed for Compliance with Demand

(b) Within twenty days after the service of any such demand upon any person, or at any time before the return date specified in the demand, whichever period is shorter, such person may file, in the district court of the United States for the judicial district within which such person resides, is found, or transacts business, and serve upon such custodian a petition for an order of such court modifying or setting aside such demand. The time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this Act or upon any constitutional or other legal right or privilege of such person.

Jurisdiction of Court;
Orders; Appeals; Contempt

(c) Whenever any petition is filed in any district court of the United States under this section, such court shall have jurisdiction to hear and determine the matter so presented, and to enter such order or orders as may be required to carry into effect the provisions of this title. Any final order so entered shall be subject to appeal pursuant to section 1291 of title 28, United States Code. Any disobedience of any final order entered under this section by any court shall be punished as a contempt thereof.

Applicability of Federal Rules
of Civil Procedure

(d) To the extent that such rules may have application and are not inconsistent with the provisions of this title, the Federal Rules of Civil Procedure shall apply to any petition under this title.

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1982

SECTIONAL ANALYSIS
AND
EXPLANATION

TITLE I

INTELLIGENCE ACTIVITIES

Section 101 lists the departments, agencies, and other elements of the United States Government for whose intelligence and intelligence-related activities the Act authorizes appropriations for fiscal year 1982.

Section 102 makes clear that details of the amounts authorized to be appropriated for intelligence and intelligence-related activities and personnel ceilings covered under this title for fiscal year 1982 are contained in a classified Schedule of Authorizations. The Schedule of Authorizations is incorporated into the Act by this section.

Section 103 provides that the program ceilings specified in the Schedule of Authorizations are intended to be limitations on obligations and expenditures. The section requires that funds obtained from any source, whether direct appropriations, transfers, reprogrammings, etc., not be obligated in excess of the program levels specified in the Schedule except by notification. The section is not intended to alter existing arrangements worked out over many years between the Executive Branch and the Committees on Armed Services and Appropriations regarding notification for prior approval, dollar thresholds by appropriation category, etc. These arrangements have been adhered to by the Executive Branch and the Permanent Select Committee on Intelligence for intelligence matters and will continue to be. The purpose of section 103 is to allow for reprogramming and transfer actions which exceed one or more individual program authorization ceilings without creating the need for supplemental authorization but, at the same time, assuring that such actions are made in consultation with the oversight and appropriations committees. The section also makes clear that statutory provisions such as 31 U.S.C. 628 which limit the transfer of funds between appropriations are not applicable to the reprogramming of funds among the intelligence programs for which funds are authorized to be appropriated by section 101. This language is needed because funds for the National Foreign Intelligence Program could arguably be considered to originate technically in separate appropriations of the various departments and agencies listed in section 101.

Section 104 makes clear that, with the exception of any specific legislative authorities which may be contained in the Intelligence Authorization Act for Fiscal Year 1982, the

Act is intended only to authorize appropriations and does not constitute authority for the conduct of any intelligence activity prohibited by the Constitution or laws of the United States.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Section 201 authorizes appropriations for the Intelligence Community Staff, which provides the Director of Central Intelligence with staff assistance to carry out his Intelligence Community responsibilities.

Subsection 202(a) authorizes personnel end strength for the Intelligence Community Staff, and provides that personnel may be permanent employees of the Staff or detailed from various elements of the United States Government.

Subsection 202(b) requires that detailed employees be selected so as to provide appropriate representation from the various departments and agencies engaged in intelligence and intelligence-related activities.

Subsection 202(c) requires that personnel be detailed on a reimbursable basis except for temporary situations.

Section 203 provides the Director of Central Intelligence with authority to manage the activities and to pay the personnel of the Intelligence Community Staff. In the case of detailed personnel, however, it is understood that the authority of the Director of Central Intelligence to discharge personnel extends only to discharge from service at the Intelligence Community Staff and not from federal employment or military service.

TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301 authorizes fiscal year 1982 appropriations
for the Central Intelligence Agency Retirement and Disability
Fund.

TITLE IV

TECHNICAL PROVISIONS

Section 401 provides authority for adjustments to federal employee compensation and benefits during fiscal year 1982 which are increased by current or subsequently enacted law. The section obviates the necessity for separate authorizations for such increases during the fiscal year.

Section 402 brings the intelligence and intelligence-related activities authorization of appropriations process into technical compliance with section 607 of P.L. 93-344, the Congressional Budget and Impoundment Control Act of 1974, which requires that appropriations be authorized in the calendar year prior to the year in which the fiscal year begins.

Section 403 eliminates the phrase "at a rate not to exceed \$50 for each day of service," from the last sentence of 50 U.S.C. 405(a). This is an amendment to section 303 of the National Security Act of 1947 (50 U.S.C. 401 et seq.), which, prior to the passage of the Central Intelligence Agency Act of 1949, provided the Director of Central Intelligence with specific authority to employ part-time advisory personnel to serve on advisory panels and committees. The provision has remained on the books with a maximum daily pay rate set at fifty dollars, despite the subsequent enactment of section 8 of the CIA Act (U.S.C. 403j) which authorizes the expenditure of funds for personal services as necessary to carry out CIA functions, notwithstanding other provisions of law. This statutory authority serves as the CIA charter to employ its personnel, "without regard to limitations on types of persons to be employed," and to obtain the additional personal services of experts, consultants, and other independent contractors.

The anomaly that has existed over the years as a result of the duplicative presence of the broad authority of section 8 to hire and pay experts and consultants, and the more limited authority with respect to experts and consultants found at 50 U.S.C. 405, is clarified by the amendment in order to ensure that all experts and consultants are paid on the basis of uniform standards and policies.

The proposed amendment is fully consistent with government-wide personnel policies. Previously existing provisions with respect to a fifty dollar per day limit for the compensation of advisory committee members by other government agencies have been superseded by the provisions of the Federal Advisory Committee Act (5 U.S.C. Appendix I). That Act, which exempts the CIA and the Federal Reserve System from its coverage because of public disclosure provisions, provides that advisory committee members shall receive compensation at a rate not to exceed the rate specified for GS-18 of the General Schedule. Despite its exemption, the Central Intelligence Agency generally adheres to this limitation in the compensation of its experts and consultants pursuant to its section 8 authorities.

TITLE V

OFFSETTING DISINCENTIVES TO OVERSEAS SERVICE

Subsections 501(a) and (b) supplement the expenditure authority of the Director of Central Intelligence (DCI) under the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j). The purpose of the provisions is to demonstrate clearly and convincingly that the Congress and the American people value the efforts of the nation's intelligence officers no less than that of members of the Foreign Service.

Passage of the Foreign Service Act of 1980 (P.L. 96-465) has eroded the morale of CIA employees and has had a similar effect on personnel of other elements of the Intelligence Community who serve overseas in like circumstances. The allowances and benefits provisions of the Foreign Service Act of 1980 were enacted in part to offset a growing realization that disincentives to service abroad have increased dramatically in recent years. The Intelligence Community supported these allowances and benefits provisions because the Community recognized from its own experience the need for such remedial measures. Changing social and economic values have resulted in an increased number of spouses seeking employment outside the home. An assignment overseas does not generally permit spouses to remain employed. Hence, family income decreases in an overseas environment in which the purchasing power of the dollar has seriously declined. In addition, the normal marital and family stress of overseas service has been magnified because the safety of U.S. overseas missions and their personnel has become increasingly questionable in many areas of the world.

Subsections 501(a) and (b) would provide the Director of Central Intelligence with greater flexibility to deal with disincentives associated with intelligence service overseas. This action by the Congress would be far preferable to exercise of the Director's authorities under the CIA Act to administratively adjust allowances and benefits so that they are more or less comparable to those contained in Chapter 9 of the Foreign Service Act of 1980 or enacted subsequently for the benefit of members of the Foreign Service or their dependents. This is because an administrative solution would take time and have far less impact than rapid congressional action. In order to proceed under the CIA Act it would be necessary to focus upon each allowance and benefit individually.

Any allowances and benefits duplicated under the CIA Act, moreover, would be within the context of the CIA personnel system and limited to officers and employees of the CIA.

Various Intelligence Community entities have personnel serving overseas, and disincentives to service abroad are experienced by them all. Accordingly, the Director of Central Intelligence should be able to authorize comparability in overseas benefits and allowances on a Community-wide basis so as to ensure the effective performance of all authorized intelligence functions. Enactment of this authority will serve as a clear indication to the Intelligence Community's overseas personnel that their concerns are understood and that positive steps are being taken to offset the detrimental aspects of service abroad.

The enactment of subsections 501(a) and (b) would also serve to guarantee the elimination of disparities between members of the Foreign Service and officers and employees of the Intelligence Community which have aided individuals bent on destroying the foreign intelligence capabilities of the United States in their efforts to identify Intelligence Community officers and employees serving undercover.

Subsection 502(i) deals with a problem which appears to be unique to the Intelligence Community, the reassignment of personnel between domestic and overseas field stations. The Intelligence Community maintains domestic field stations in various parts of the United States in order to accomplish several authorized intelligence missions and functions. Personnel reassigned from these domestic field stations to overseas locations, or from overseas locations to these domestic field stations often incur relocation expenses beyond those normally associated with transfers to or from overseas to the Washington, D.C. area. These expenses are not reimbursable under existing law, and the resultant disadvantages which accrue to officers and employees asked to make domestic to foreign or foreign to domestic field station transfers have created serious obstacles to the most effective utilization of intelligence personnel. Subsection 502(i) would correct this problem by allowing the DCI to authorize reimbursement for this unique type of transfer.

Subsection 502(ii) is an extension of the principles embodied in subsections 501(a) and (b). In an age in which the provision of accurate intelligence to policymakers is increasingly crucial, but when disincentives to overseas service are so dramatically on the rise, it is essential that the Director of Central Intelligence have the broadest

flexibility to act quickly and on an Intelligence Community-wide basis in the allowances and benefits area to ensure the effective performance of authorized intelligence functions.

Section 503 defines "Intelligence Community" for purposes of Title V.

TITLE VI

AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA)

Section 601 amends subsection 102(a) of the FISA by adding a new provision which would clarify existing law by expressly allowing the Attorney General to authorize, without a court order, physical entry of property or premises under the open and exclusive control of certain types of foreign powers, for the purpose of implementing an electronic surveillance under subsection 102(a). The provisions of subsection 102(a) for a narrow category of surveillances without a court order do not specifically make reference to physical entry for the purpose of installing, repairing, or removing surveillance devices. The purpose of the amendment is to clarify the law to ensure that lawful surveillances are not frustrated by uncertainty over such physical entry authority. The amendment would not authorize physical entry without a court order for any purpose other than the installation, repair, or removal of devices used for the narrow category of electronic surveillances that may be directed against certain types of foreign powers pursuant to the Attorney General's certification under subsection 102(a) of the FISA.

Section 602 remedies a deficiency which was not foreseen when the FISA was enacted. Section 602 amends subsection 101(b)(2) of the FISA by modifying the targeting standards pertaining to agents of foreign powers so as to permit electronic surveillance of dual nationals who occupy senior positions in the government or military forces of foreign governments or factions while simultaneously retaining U.S. citizenship, and of former senior officials whether or not they are acting in the United States as members of a foreign government or faction. Experience under the FISA has shown that this amendment is necessary to avoid the repetition of situations which have resulted in the loss of significant foreign intelligence information.

Section 603 amends subsection 105(e)(2) of the FISA by changing from 24 to 48 hours the time limit on electronic surveillance that may be authorized without a court order in an emergency situation pursuant to that subsection. Extension of the emergency surveillance period would aid in ensuring that there is sufficient time to accomplish the administrative steps necessary for submission of applications to the FISA court without running the risk of having to terminate an emergency surveillance under the terms of the Act. The

change would not affect provisions which require subsequent court review of emergency surveillances and which restrict the use of information obtained from any such surveillance which the court disapproves.

TITLE VII

PROTECTION OF INTELLIGENCE PERSONNEL AND INSIGNIA/ PROHIBITION OF FALSE REPRESENTATION

Subsection 701(a) amends section 1114 of title 18, United States Code, to make the murder or manslaughter of an officer or employee of the Intelligence Community a federal crime, if the officer or employee was performing his official duties when the act was committed, or if the act was committed on account of the performance of his official duties. Inclusion of the phrase "not already covered under the terms of this section" takes cognizance of the fact that the intelligence element of one entity within the Intelligence Community, the Federal Bureau of Investigation, is already covered under current law, which includes a broad spectrum of federal officers and employees. The amendment corrects a serious and incongruous omission in current law by giving officers and employees of the Intelligence Community the protection of 18 U.S.C. 1114. The amendment defines Intelligence Community as in section 4-207 of Executive Order 12036 ("United States Intelligence Activities," 24 January 1978) or its successors. The amendment would also enlarge the protections afforded all of the agencies, departments and officials listed in section 1114 of title 18 by extending federal jurisdiction to include attempted murder, which would be punishable by imprisonment for not more than twenty years. In addition, inclusion in 18 U.S.C. 1114 of "officers or employees of any department or agency within the Intelligence Community" automatically extends to such individuals, by statutory reference, the protections afforded under 18 U.S.C. 111, "assaulting, resisting, or impeding certain officers or employees [of the United States]."

Subsection 701(b) amends paragraph 1116(b)(6) of title 18, United States Code, to include within the definition of "official guest" three categories of citizens or nationals of a foreign country present in the United States as official guests of the U.S. Government.

Subparagraph (A) encompasses "official guests" already covered under current law. Subparagraph (B) encompasses citizens or nationals of a foreign country present in the U.S. under the auspices of any department or agency of the Intelligence Community pursuant to designation as an official guest by the Director of Central Intelligence or a designee. It is contemplated that any such delegation would be to the head of the department or agency within the Intelligence Community under whose auspices the citizen or national of a foreign country is present in the U.S. Subparagraph 1116(b)(6)(C) encompasses citizens or nationals of a foreign country present in the U.S. under the provisions of section 7 of the Central Intelligence Agency Act of 1949, 50 U.S.C. 403h.

The amendment would make the murder or manslaughter of such individuals a federal crime. Moreover, the amended version of 18 U.S.C. 1116(b)(6) would include these individuals within the protective scope of four additional statutory provisions which relate to "official guests": 18 U.S.C. 112 (assault); 878 (threats and extortion); 970 (destruction of property); and 1201 (kidnapping).

Persons in the United States under the auspices of departments or agencies within the Intelligence Community generally include foreign nationals whose temporary presence in the United States furthers United States intelligence objectives. This category of individuals could include intelligence sources, members of foreign intelligence services, and foreign nationals working abroad for the United States. Persons in the United States under 50 U.S.C. 403h are aliens admitted to permanent residence because of their special contributions to the national intelligence mission. These are persons who have worked to further the national security interests of the United States in foreign countries, placing their careers and lives in jeopardy. These individuals, who may have been clandestine intelligence agents, sources or defectors, often reside in the the U.S. under assumed identities and sometimes continue to provide ongoing assistance to our foreign intelligence mission.

Section 702 amends 18 U.S.C. 709 so as to afford the Central Intelligence Agency name and the initials "C.I.A." protection against false advertising or misuse similar to that which 18 U.S.C. 709 presently provides to a host of federal agencies, including agencies such as the Federal Bureau of Investigation, the Federal Home Loan Bank, and the Department of Housing and Urban Development. Extension of the protection afforded by 18 U.S.C. 709 to the Central Intelligence Agency corrects an incongruous omission in current law. The mission and function of the CIA are clearly as important and as sensitive as those of the FBI and of the other departments and agencies presently protected by section 709. In light of past abuses of authority ascribed to the CIA, moreover, it is particularly imperative that the integrity of the Agency's name and initials be preserved and protected from any possible misuse.

The amendment in section 702 modifies the tenth paragraph of 18 U.S.C. 709 so as to give the CIA name and initials the same protection which that paragraph now affords to the FBI. In addition, the amendment affords needed new protection to the seals of both the Agency and the Bureau, and it provides additional protection against the misuse of the CIA and FBI .

names, initials or seals in connection with unauthorized solicitations, impersonations or representations whether or not the misuse is related to such things as publications, motion pictures or telecasts.

TITLE VIII

PROTECTION OF INTELLIGENCE INFORMATION

Section 801 states congressional findings as to the need for the legislation.

Section 802 defines the terms "classified information" and "unauthorized disclosure."

"Classified information" is defined as information or documentary material which has been determined pursuant to provisions of a statute or Executive Order to warrant protection against unauthorized disclosure for reasons of national security, and which has been clearly marked or represented as such.

"Unauthorized disclosure" is defined as any communication, revelation, or publication by a person who has no authority, right or permission to do so pursuant to one of three sources which allow such disclosures. The first source is statute or Executive Order and the regulations and procedures issued pursuant thereto. Persons with authority to declassify information will nevertheless make an unauthorized disclosure if such persons (1) do not follow the regulations and procedures applicable to declassification, (2) otherwise make a disclosure that is not a matter of record, or (3) disclose classified information to a person who does not possess a security clearance and have a need to know such information for the performance of official duties. The second source of authority for disclosure of classified information is an order of any federal court. The third source of authority for such disclosures is a Rule of the House of Representatives or Resolution of the Senate.

Section 803 is intended to make it clear that any officer or employee of the Executive Branch, including any member of the uniformed services, can be removed from the civil service or the uniformed services if found to be responsible for the unauthorized disclosure of classified information. This is so notwithstanding any other provision of law in order to make it clear that such disclosures are grounds for removal notwithstanding any statutory requirement that removal will be only for such cause as would promote the efficiency of the service, or any other similar provisions. Such removals shall be accomplished in accordance with any current procedural requirements applicable to the particular person under statute or regulation. Because of the problems

that would be associated with additional disclosure of classified information during a court proceeding, removal for unauthorized disclosure of classified information is not reviewable in any court of the United States.

Section 804 is intended to make it clear that the FBI is authorized to investigate any unauthorized disclosure of classified information. Investigation by the FBI is mandatory, upon recommendation of the head of any department or agency, for the purpose of determining whether a federal officer or employee or member of the uniformed services caused an unauthorized disclosure. Subsection (b) is intended to make it clear that in the conduct of such investigations the FBI is authorized to interview any person and to use any investigative technique otherwise available under the Constitution and laws of the United States.

Section 805 authorizes the Attorney General, the Assistant Attorneys General in charge of the Civil Division or the Criminal Division of the Department of Justice and the Director of the Federal Bureau of Investigation to issue a civil investigative demand to any person believed to be in the possession, custody or control of documentary material relevant to an investigation of an unauthorized disclosure of classified information. The section specifies the contents of the demand, which must be in writing. The demand may not contain any requirement which would be unreasonable if contained in a subpoena duces tecum issued by a federal court in aid of a grand jury investigation of such alleged unauthorized disclosure of classified information, or require production of any documentary material which would be privileged from disclosure if demanded by a subpoena duces tecum for that purpose. The section specifies that any agent of the FBI, United States marshal, or deputy marshal may serve such civil investigative demand at any place within the territorial jurisdiction of any U.S. court.

Section 806 authorizes the Attorney General to petition for judicial enforcement of a civil investigative demand whenever any person fails to comply with such demand or otherwise fails to produce the requested documents and materials for copying or reproduction. This section also allows any person subject to a civil investigative demand to file a petition in federal district court for an order modifying or setting aside the demand. Any petition for such order shall specify the grounds upon which the relief sought in the petition is based, including any constitutional or other legal right or privilege of the petitioner. This

section provides jurisdiction for United States district courts to hear petitions filed under this section and provides that the final orders issued under the title are appealable pursuant to Section 1291 of title 28 United States Code. Any disobedience of the final order issued pursuant to this section shall be punished as a contempt of court. This section provides that to the extent not inconsistent with the title, the Federal Rules of Civil Procedure shall apply to any petition under the title.

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1982

CHANGES IN EXISTING LAW

Note: Where applicable, changes in existing law are shown as follows: existing law in which no change is proposed is shown in roman; existing law proposed to be struck is enclosed in brackets; new material is underscored.

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: No substantive change.

Section 102: No substantive change.

Section 103: Statutory provisions limiting the transfer of funds between appropriations shall not apply to the reprogramming of funds among the intelligence programs for which funds are authorized to be appropriated by section 101.

Section 104: Nothing contained in this Act shall be deemed to constitute authority for the conduct of any intelligence activity which is [not otherwise authorized] prohibited by the Constitution or laws of the United States.

TITLE II
INTELLIGENCE COMMUNITY STAFF

Section 201:

Subsection 202(a)

Subsection 202(b): No substantive change.

Subsection 202(c): No substantive change.

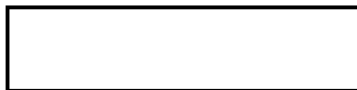
Section 203: No substantive change.

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TITLE III

**CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY
SYSTEM**

Section 301:

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TITLE IV

TECHNICAL PROVISIONS

Section 401: No substantive change (section 408 of the fiscal year 1981 Act).

Section 402: New provision.

Section 403: Amends the last sentence of 50 U.S.C. 405(a) as follows:

"Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation [at a rate not to exceed \$50 for each day of service,] as determined by the appointing authority."

TITLE V

OFFSETTING DISINCENTIVES
TO OVERSEAS SERVICE

Subsection 501(a): New provision.

Subsection 501(b): New provision.

Section 502 : New provision.

Section 503 : New provision.

TITLE VI

AMENDMENTS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT (FISA)

Section 601: Adds the following new provision to subsection 102(a) of the FISA:

"(5) The Attorney General may authorize physical entry of property under the open and exclusive control of a foreign power, as defined in subsections 101(a)(1), (2), or (3), for the purpose of installing, repairing, or removing any electronic, mechanical, or other surveillance device used in conjunction with an electronic surveillance authorized in accordance with subsection 102(a)."

Section 602: Modifies the definition of "agent of a foreign power" contained in subsection 101(b)(2) of the FISA as follows:

"(2) any person who ---

(A) knowingly engages in clandestine intelligence gathering activities for or on behalf of a foreign power, which activities involve or may involve a violation of the criminal statutes of the United States;

(B) pursuant to the direction of an intelligence service or network of a foreign power, knowingly engages in any other clandestine intelligence activities for or on behalf of such foreign power, which activities involve or are about to involve a violation of the criminal statutes of the United States;

(C) knowingly engages in sabotage or international terrorism, or activities that are in preparation therefor, for or on behalf of a foreign power; [or]

(D) knowingly aids or abets any person in the conduct of activities described in subparagraph (A), (B), or (C) or knowingly conspires with any person to engage in activities described in subparagraph (A), (B), or (C) [.] or

(E) is a current or former senior official of a foreign power as defined in subsection (a)(1) or (2)."

Section 603: Amends subsection 105(e)(2) of the FISA as follows:

(e) Notwithstanding any other provision of this title, when the Attorney General reasonably determines that --

(1) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

(2) the factual basis for issuance of an order under this title to approve such surveillance exists;

he may authorize the emergency employment of electronic surveillance if a judge having jurisdiction under section 103 is informed by the Attorney General or his designee at the time of such authorization that the decision has been made to employ emergency electronic surveillance and if an application in accordance with this title is made to that judge as soon as practicable, but not more than [twenty-four] forty-eight hours after the Attorney General authorizes such surveillance. If the Attorney General authorizes such emergency employment of electronic surveillance, he shall require that the minimization procedures required by this title for the issuance of a judicial order be followed. In the absence of a judicial order approving such electronic surveillance, the surveillance shall terminate when the information sought is obtained, when the application for the order is denied, or after the expiration of [twenty-four] forty-eight hours from the time of authorization by the Attorney General, whichever is earliest. In the event that such application for approval is denied, or in any other case where the electronic surveillance is terminated and no order is issued approving the surveillance, no information obtained or evidence derived from such surveillance shall be received in evidence or otherwise disclosed in any trial, hearing, or other proceeding in or before any court, grand jury, department, office, agency, regulatory body, legislative committee, or other authority of the United States, a State, or political subdivision thereof, and no information concerning any United States person acquired from such surveillance shall subsequently be used or disclosed in any other manner by federal officers or employees

without the consent of such person, except with the approval of the Attorney General if the information indicates a threat of death or serious bodily harm to any person. A denial of the application made under this subsection may be reviewed as provided in section 103.

TITLE VII

PROTECTION OF INTELLIGENCE PERSONNEL AND INSIGNIA/ PROHIBITION OF FALSE REPRESENTATION

Subsection 701(a): Amends 18 U.S.C. 1114 as follows:

"Whoever kills or attempts to kill any judge of the United States, any United States Attorney, any Assistant United States Attorney, or any United States marshall or deputy marshall or person employed to assist such marshall or deputy marshall, any officer or employee of the Federal Bureau of Investigation of the Department of Justice, any officer or employee of the Postal Service, any officer or employee of the secret service or of the Drug Enforcement Administration, any officer or enlisted man of the Coast Guard, any officer or employee of any United States penal or correction institution, any officer, employee or agent of the customs or of the internal revenue or any person assisting him in the execution of his duties, any immigration officer, any officer or employee of the Department of Agriculture or of the Department of the Interior designated by the Secretary of Agriculture or the Secretary of the Interior to enforce any Act of Congress for the protection, preservation, or restoration of game and other wild birds and animals, any employee of the Department of Agriculture designated by the Secretary of Agriculture to carry out any law or regulation, or to perform any function in connection with any Federal or State program or any program of Puerto Rico, Guam, The Virgin Islands of the United States, or the District of Columbia, for the control or eradication or prevention of the introduction or dissemination of animal diseases, any officer or employee of the National Park Service, any officer or employee of, or assigned to duty in, the field service of the Bureau of Land Management, or any officer or employee of the Indian field service of the United States, or any officer or employee of the National Aeronautics and Space Administration directed to guard and protect property of the United States under the administration and control of the National Aeronautics and Space Administration, any security officer of the Department of State or the Foreign Service, or any officer or employee of the Department of Health, Education, and Welfare, the Consumer Product Safety Commission, the Department of Commerce, or the Department of Labor or of

the Department of the Interior, or of the Department of Agriculture assigned to perform investigative, inspection, or law enforcement functions, [while engaged in the performance of his official duties, or on account of the performance of his official duties,] or any officer or employee of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders), not already covered under the terms of this section, or any attorney, liquidator, examiner, claim agent, or other employee of the Federal Deposit Insurance Corporation, the Federal Savings and Loan Insurance Corporation, the Comptroller of the currency, the Federal Home Loan Bank Board, the Board of Governors of the Federal Reserve System, any Federal Reserve bank, or the National Credit Union Administration while engaged in the performance of his official duties, or on account of the performance of his official duties shall be punished as provided under section 1111 and 1112 of this title [.] , except that any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

Subsection 701(b): Amends 18 U.S.C. 1116(b)(6) as follows:

"(b) For the purposes of this section:

(6) "Official guest" means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States -

(A) pursuant to designation as such by the Secretary of State [.]; or

(B) under the auspices of any department or agency within the Intelligence Community (as defined in section 4-207 of Executive Order 12036, January 24, 1978, or successor orders) pursuant to designation as such by the Director of Central Intelligence or his designees; or

(C) under the provisions of 50 U.S.C. 403h."

Section 702: Amends the tenth paragraph of 18 U.S.C.
709 as follows:

"Whoever, except with the written permission of the Director of the Federal Bureau of Investigation or the Director of Central Intelligence, knowingly uses the words "Federal Bureau of Investigation" or "Central Intelligence Agency" or the initials "F.B.I." or "C.I.A." or the seals thereof, or any colorable imitation of such words, [or] initials [,] or seals in connection with any solicitation, impersonation or representation for other than authorized purposes or in connection with any advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, in a manner reasonably calculated to convey the impression that such advertisement, circular, book, pamphlet or other publication, play, motion picture, broadcast, telecast, or other production, is approved, endorsed, or authorized by the Federal Bureau of Investigation or the Central Intelligence Agency; or"

TITLE VIII

PROTECTION OF INTELLIGENCE
INFORMATION

Sections 801-806: New provisions

INTELLIGENCE AUTHORIZATION ACT FOR
FISCAL YEAR 1982

COST ANALYSIS

TITLE I

INTELLIGENCE ACTIVITIES

Section 101: Fiscal Year 1982 authorizations are contained in the classified Schedule of Authorizations.

Section 102: Cost analysis not applicable.

Section 103: Cost analysis not applicable.

Section 104: Cost analysis not applicable.

TITLE II

INTELLIGENCE COMMUNITY STAFF

Section 201: The authorization for fiscal
year 1982 is [REDACTED]

Subsection 202(a): The authorized personnel
end strength as of September 30, 1982 [REDACTED]

Subsection 202(b): Cost analysis not applicable.

Subsection 202(c): Cost analysis not applicable.

Section 203: Cost analysis not applicable.

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TITLE III

CENTRAL INTELLIGENCE AGENCY
RETIREMENT AND DISABILITY SYSTEM

Section 301: The fiscal year 1982 authorization



SECRET

TITLE IV

TECHNICAL PROVISIONS

Section 401: Cost analysis impossible to determine.

Section 402: Technical compliance with section 607 of P.L. 93-344 only; cost analysis not applicable.

Section 403: Removal of obsolescent statutory language; will not result in additional expenditures.

TITLE V

OFFSETTING DISINCENTIVES TO OVERSEAS SERVICE

Subsection 501(a): Authority granted would not result in measurable new expenditures beyond those that would result from the administrative adjustment of allowances and benefits in accordance with the authorities already contained in the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a-403j) and in section 402 of the Intelligence Authorization Act for Fiscal Year 1981 ("Administrative Provisions Relating to the National Security Agency").

Subsection 501(b): Cost analysis impossible to determine.

Section 502: The estimated cost for subsection (i) during the first fiscal year following enactment and during each of the four succeeding fiscal years is \$85,000. This figure is premised upon an estimate of 30 qualifying assignments per year. The cost analysis for subsection (ii) is impossible to determine.

Section 503: Cost analysis not applicable.

TITLE VI

AMENDMENTS TO THE
FOREIGN INTELLIGENCE
SURVEILLANCE ACT

Section 601: Cost analysis not applicable.

Section 602: Cost analysis not applicable.

Section 603: Cost analysis not applicable.

TITLE VII

PROTECTION OF INTELLIGENCE
PERSONNEL AND INSIGNIA/
PROHIBITION OF FALSE
REPRESENTATION

Subsection 701(a): No programmed expenditures
contemplated.

Subsection 701(b): No programmed expenditures
contemplated.

Section 702: No programmed expenditures
contemplated.

TITLE VIII

FACILITATING INVESTIGATIONS
OF UNAUTHORIZED DISCLOSURES
OF CLASSIFIED INFORMATION

Section 801: No programmed expenditures contemplated.